

Police Agencies and Jurisdiction

Police Agencies

In the National Capital Region (NCR), members will be required to interact with many police agencies. Here are the police services involved.

Ontario

- o Ottawa Police Service (OPS)
- o Ontario Provincial Police (OPP)
- o Parliament Protection Services (PPS)
- o Military Police (MP)

Québec

- o Gatineau Police Service
- o Sûreté du Québec (SQ)
- o Municipalité Régionale de Contés des Collines (MRC des Collines)

Who Investigates: The RCMP or the Police Force of Jurisdiction

Other than national security offences, threats against national security or offences against designated protected persons/sites, the investigation of criminal offences is the responsibility of the police force of jurisdiction. This includes offences committed in any federal building or NCC property (including RCMP buildings and property).

Local police forces are mandated by their governments to investigate all criminal offences committed in their jurisdiction unless such responsibility is given to another law enforcement agency via a statute of precedence (ex. Security Offences Act). Other than designated protected sites, the protection of federal buildings and the people working therein is the responsibility of the local police force.

When criminal offences are committed in relation to national security or designated protected person or designated protected site, the RCMP will have the “primary investigative responsibility” (Sec.2 Security Offences Act). This does not mean that the RCMP will have the “sole” investigative responsibility. Such matters are referred to “A” Div. INSET for investigation and they will then determine, in consultation with the local police force of jurisdiction if need be, if the matter is to be investigated by the RCMP, the local police force or jointly by both agencies.

The previously noted examples represent agreements between the RCMP and the local police forces. Statutes will either mandate “all” police officers, the RCMP, or will specifically appoint another agency as having primary investigative responsibility. In the absence of a specific statute appointment, and/or if the offence is not related to a protected person/site, then the local police force has the mandate to investigate the criminal offence. RCMP members are peace officers and are recognized as such across Canada for the enforcement of the Criminal Code as well as a variety of other federal statutes. That said, this is a matter of respecting provincial/municipal jurisdictions and politics.

Regardless of jurisdiction, RCMP members will take action whenever they find a person or persons committing a criminal offence. The local police force will then be called upon to assist and if required, pursue the investigation. **Members MUST NEVER IGNORE criminal offences or acts against public safety by reason of not being the police force of jurisdiction.**

CRIMINAL CODE, FEDERAL STATUTES AND FEDERAL LEGISLATIONS

Section 9 of the RCMP Act appoints every member of the RCMP as a peace officer **anywhere in Canada**. This appointment is derived from a federal statute, which is not transposed to the provincial/municipal level. Appointments to peace officers status for the purpose of provincial/municipal statutes must come from the level of government of jurisdiction.

Section 17 of the RCMP Regulations gives the authority to RCMP members to enforce all Acts of Parliament. “Acts of Parliament” mean the Criminal Code and all relevant federal statements and regulations. Section 2 of the Criminal Code defines what a peace officer is for the purpose of the authority to enforce, **across Canada** any federal act, law or regulation enacted by the federal government unless we are specifically not recognized in the act as peace officers (ex. The mandate is given to another agency/department). Conversely, provincial/municipal police forces are recognized as peace officers **ONLY** within their jurisdiction (ex. Province) for the enforcement of provincial/municipal statutes, the

Criminal Code and a select few other federal statutes. They do not have as broader enforcement authority as does the RCMP. With the exception of provincial/municipal statutes, we are recognized as peace officers across Canada, regardless of jurisdiction.

RCMP Act, Section 9: *“Every officer and every person designated as a peace officer under subsection 7(1) is a peace officer in every part of Canada and has all the powers, authority, protection and privileges that a peace officer has by law until the officer or person is dismissed or discharged from the Force as provided in this Act, the regulations or the Commissioners standing orders or until the appointment of the officer or person expires or is revoked.*

In 1983, R.V. ROBERGE {1983} 1 S.C.R. 312, the Supreme Court ruled that a peace officer, who is in fresh pursuit of a person who can be lawfully arrested without a warrant, retains his/her status of a peace officer in another province while in pursuit of that individual. Once the local authorities have taken over the pursuit, that peace officer ceases to be a peace officer....This would apply to peace officers **other than** RCMP members.

PROVINCIAL AND MUNICIPAL STATUTES

By virtue of our contractual agreements with eight provinces and three territories, members of the RCMP in those provinces and territories are recognized as peace officers within those jurisdictions with the authority to enforce provincial/territorial acts and in many municipal statutes. In Ontario and Quebec however, the RCMP is not under contract to the provinces and,

as such, members are not recognized as peace officers for the enforcement of provincial and municipal statutes. Provincial and municipal statutes in Ontario and Quebec DO NOT recognize members of the RCMP as police officers. We have no powers, authority or other legally imposed duty under the statutes of those. We do, however, have all the peace officer powers to enforce the CC and many federal statutes (same as our contract members) as per *Sec. 9 of the RCMP Act*.

In the City of Ottawa, the RCMP Protective Operations members' primary responsibility is the safeguarding of designated Protected Persons (PP). Members on mobile patrol have a role in deterring and detecting potential terrorist activities and or incidents impacting on PP. Members are responsible for having knowledge of all zones and protected locations, which many are located within the City of Ottawa, and are responsible for answering security alarms and pro-actively gathering information for risk and threat assessment purposes relative to those locations.

The RCMP Protective Operations and Ottawa Police Service also enforce moving violation traffic violations on special NCC roadways and bridges as per current MOU (Memorandum of Understanding). Members on mobile patrol share a role in deterring and detecting by using different techniques such as car patrol, bicycle patrol, foot patrol, and Pipeline Convoy type vehicle checks etc.

During regular patrol duties related to the above –noted responsibilities, members who travel from one location to another observe violations to the Highway Traffic Act, Liquor License Act, Mental Health Act and the Trespass to Property Act. It is the member's discretion based on his/her status as Special Constable, his/her work experience, coupled with correct jurisdiction and possibly supervisors assistance which will assist in carrying out these responsibilities in which they should take action.

Furthermore, the RCMP Protective Operations members work with Ottawa Police Service (OPS) on all major visits, special events and demonstrations taking place on federal property. These occurrences generally start on City property and end up on federal property. In the process of policing these events the RCMP would assist OPS with enforcement of the said Acts.

APPOINTMENT TO PROVINCIAL SPECIAL CONSTABLE – PROVINCE OF ONTARIO

After completion of a "Special Constable" course which focuses on the enforcement of selected Provincial statutes, GDPP members are sworn-in as Special Constables for the Province of Ontario by the Chief (or his delegate) of the Ottawa Police Service (OPS). This appointment is only valid for the City of Ottawa, is granted for a period of three years and can be revoked at any time by OPS.

***Members must clearly understand that the RCMP's mandate in the NCR is not as a provincial or municipal police force. As such, members will not, unless the situation warrants our intervention (ex. Dangerous or a risk to the public), be involved in the enforcement of provincial statutes. THE PURPOSE OF OBTAINING THE 'SPECIAL CONSTABLE' STATUS IS TO FURTHER ASSIST US IN THE PURSUIT OF OUR

PROTECTIVE MANDATE AND TO ASSIST MEMBERS TO CARRY OUT THEIR POLICING ROLE OF GENERAL AND SPECIFIC DETERRANCE.

POWERS AND AUTHORITIES – WHAT ACTS/SECTIONS CAN WE USE?

Members on GDPP have the same powers of arrest as any other peace officer in Canada when dealing with criminal offences. Dealing with incidents and suspects on protective operations is no different than in a contract province. It is a member's responsibility to know your powers of arrest. Each member is accountable to take action when faced with the commission of a criminal offence or upon the belief, on reasonable and probable grounds, that a criminal offence has been or is about to be committed. When a member takes action, he/she must be able to articulate the reasons why that action was taken.

Most of the powers we use in fulfilling our protective mandate are provided in the Criminal Code. They are the same powers a peace officer uses anywhere in Canada when dealing with a criminal offence. There will be times however, when a member, will have to issue directions to persons for the safety and security of our protected persons or sites. The directions or "orders" given will often be pursuant to the mandate the RCMP has for the protection of designated persons/sites as provided by statute – not pursuant to the Criminal Code (ex. Security Offences Act, the RCMP Act/Regulations, etc...) If a member acts in the lawful execution of his/her "duty" (as provided by the statute), any person who fails to obey a member's command may be subject to arrest for obstruction under the Criminal Code.